

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
 )  
Gregory MAY et al. ) Group Art Unit: Unassigned  
 )  
Application No.: Unassigned ) Examiner: Unassigned  
C-I-P of U.S. Application No. 09/160,351 )  
 )  
Filed: Even Date Herewith )  
 )  
For: DNA REGULATORY ELEMENTS )  
ASSOCIATED WITH FRUIT )  
DEVELOPMENT )

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination of the above-captioned patent application, kindly enter the following amendment.

**IN THE SPECIFICATION:**

In compliance with 37 C.F.R. § 1.823(a), please insert the attached paper copy of the "Sequence Listing" between the last page of the disclosure (currently page 54) and the first page of the claims.

**IN THE CLAIMS:**

Kindly delete claims 1-16, without prejudice or disclaimer to the subject matter therein.

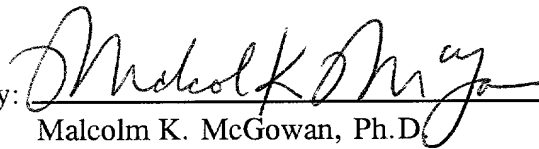
**REMARKS**

The claims of this continuation-in-part application represent Group III of the restriction requirement in the parent application. Entry of the foregoing and favorable consideration on the merits is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:



Malcolm K. McGowan, Ph.D.  
Registration No. 39,300

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: *28 June 2001*

1052234 8 56 366600